



LPA-1721-2017 (O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

LPA-1721-2017 (O&M)

Date of Decision : 30.07.2025

State of Haryana and others

...Appellants

Versus

Ram Singh (since deceased) through his LRs

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Saurabh Mohunta, DAG, Haryana
for the appellants.

Mr. Gaurav Gupta, Advocate
for LRs of respondent.

ASHWANI KUMAR MISHRA, J. (ORAL)

CM-3715-LPA-2017

The delay of 106 days in filing the appeal has been satisfactorily explained.

Accordingly, the delay of 106 days in filing the appeal, is condoned.

Application stands **disposed of**.

CM-160-LPA-2019

Application is for bringing on record legal heirs/representatives of deceased respondent-Ram Singh.

For the good and valid reasons assigned in the application, same is **allowed**. Legal representatives of deceased respondent-Ram Singh, as detailed in paragraph No.2 of the application, are brought on record and impleaded as legal representatives of deceased/respondent.



Amended memo of parties is taken on record.

Registry is directed to attach it at appropriate place in the case file.

LPA-1721-2017

1. This appeal is preferred by the State, challenging an order dated 16.03.2017, passed by learned Single Judge, whereby, the writ petition filed by the respondent came to be allowed. The cancellation of allotment made in favour of the respondent has been set aside.

2. Undisputed facts of the case are that a policy came to be formulated by the State of Haryana, on 11.07.1988, as per which, unauthorized possession of individuals was to be regularized by allotting land to them, where substantial constructions had already been made by them, though unauthorized. This policy was amended on 11.08.1988. In the amended policy, such land which was in possession of the State, were excluded for the purpose of allotment. Certain clarifications were also made with regard to the extent of construction, which was required to be made prior to year 1982. The allotment of the petitioner was not disturbed, and it is on record that substantial constructions were also raised by the respondents. The factual reports in that regard have been taken note of by learned Single Judge. The allotment however came to be cancelled by the authorities concerned, on 19.09.2003, on the ground that initial allotment made in favour of the respondent/petitioner on 18.10.1988, was contrary to the policy framed for the purpose, by the State.

3. Learned Single Judge has found that the constructions were already made by the writ petitioner over the land allotted to him. It was also found that the constructions on the date of inspection were found more than 15



years old, and thus, were found to have been substantially made before the cut off. It is for this reason and finding the allotment to be in consonance with the policy, learned Single Judge has allowed the writ petition and quashed the cancellation of allotment of land made in favour of the respondents.

4. Thus aggrieved, the State is before us. Learned counsel for the State argues that the allotment of land in favour of the respondent/petitioner was since not in conformity with the provisions of the policy, as such, it was rightly cancelled and interference in such order was not called for.

5. Learned counsel for the respondent/petitioner, however, opposes such submission.

6. With the aid of learned counsel for the appellants, we have perused the initial allotment order dated 18.10.1988, as well as, subsequent cancellation order. There is no indication in the allotment order or in the cancellation order that the land allotted to the respondent/petitioner was in possession of the State. Rather, the evidence on record clearly indicates that the possession over the allotted land, was with the respondent/petitioner, from much prior in point of time and substantial constructions were also made prior to the year 1982, over such allotted land. That being so, we find that the cancellation of allotment by the State authorities, was clearly unsustainable. We are thus in respectful agreement with the view taken by the learned Single Judge, in allowing the writ petition of the respondent.

7. Learned counsel for the appellant/State, lastly contends that the entire allotment money has not been paid by the respondent/petitioner, apparently, on account of pendency of the dispute. In order to address this aspect, we provide that the State shall calculate the amount found due and payable by the respondent/petitioner, through his legal representatives (since



LPA-1721-2017 (O&M)

4

the original allottee has died). Such computation will be furnished to the respondent/petitioner within a period of one month. The respondent/petitioner shall deposit such amount within a further period of three months, thereafter.

8. It goes without saying that the State will be entitled to collect reasonable interest on the defaulted amount, in terms of the scheme.

9. Subject to the observations aforesaid, this appeal is **disposed of**.

10. Pending miscellaneous applications, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 30, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No